

APPROVING REQUEST

Request for Reasonable Accommodation

RESOLUTION NO. A-_____

1 WHEREAS, Developmental Service of Nebraska, hereinafter DSN, presently operates a
2 facility housing three developmentally disabled persons at 424 North Coddington Avenue (Lot 7
3 and the east 10 feet of vacated north Coddington Avenue adjacent thereto, Capitol Beach
4 Village, Lincoln, Lancaster County, Nebraska) as a State certified community based waiver
5 setting; and

6 WHEREAS, DSN desires to house one additional disabled person at 424 North
7 Coddington Avenue; and

8 WHEREAS, the additional occupancy will cause the facility to be classified as a group
9 home rather than a single-family dwelling under the City of Lincoln Zoning Code; and

10 WHEREAS, the facility at 424 North Coddington Avenue is located in the R-4 Residential
11 District; and

12 WHEREAS, the use regulations in the R-4 Residential District allow group homes as a
13 permitted conditional use provided that the distance between the proposed group home and an
14 existing group home measured from lot line to lot line, is not less than 1,200 feet; and

15 WHEREAS, a group home presently exists at 416 North Coddington Avenue and is
16 located approximately 50 feet from the proposed group home at 424 North Coddington Avenue
17 rather than the required 1,200 feet; and

18 WHEREAS, DSN, pursuant to Lincoln Municipal Code Chapter 1.28, has requested
19 reasonable accommodation from Lincoln Municipal Code § 27.17.030(b)(2) that prohibits DSN
20 from operating a group home at 424 North Coddington Avenue because the group home
21 located at 416 North Coddington Avenue is within 1,200 feet in order to allow DSN to increase
22 the number of persons with developmental disabilities it is currently serving at 424 North
23 Coddington Avenue from three residents to four residents; and

1 WHEREAS, the Lincoln City-Lancaster County Planning Commission has held a public
2 hearing on the application and has recommended denial of the requested accommodation; and

3 WHEREAS, the City Council finds that (1) the facility at 424 North Coddington Avenue
4 will be used by an individual or a group of individuals considered disabled; (2) that the
5 accommodation requested is necessary to afford a disabled person equal opportunity to use
6 and enjoy a dwelling and/or otherwise to receive services or participate in programs or activities
7 provided by the City; (3) that there are no alternative reasonable accommodations available that
8 would provide an equivalent level of benefit; (4) that the request for reasonable accommodation
9 would not impose an undue financial or administrative burden on the City; and (5) that the grant
10 of the requested reasonable accommodation and use of 424 North Coddington Avenue as a
11 group home would be consistent with the Comprehensive Plan, Land Use Designation, for 424
12 North Coddington Avenue and with the general purpose intent of the R-4 Residential District in
13 which 424 North Coddington Avenue is located.

14 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln,
15 Nebraska:

16 That the request of DSN for a reasonable accommodation to waive the requirement of
17 Lincoln Municipal Code § 27.17.030(b)(2) to allow a group home to be located at 424 North
18 Coddington Avenue is hereby granted subject to the condition that the occupancy of this group
19 home will not exceed four disabled persons.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ____ day of _____, 2005:

Mayor